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Attorneys for Plaintiff
10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 CLAIRE PATRICIA HAVILAND, et
al.,
17 JOHN MICHAEL REED (3),
ASHLEE NICOLE SWINK (27),
18 KEVIN DANIEL MULVIHILL (43),
MARIA ANNA JAMES (65),
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Defendants.
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No. CR 2:24-CR-00570-WLH

STIPULATION AND JOINT REQUEST FOR
A PROTECTIVE ORDER REGARDING
DISCOVERY CONTAINING PERSONAL
IDENTIFYING INFORMATION, MEDICAL
INFORMATION, PRIVACY ACT
INFORMATION, AND CONFIDENTIAL
INFORMANT INFORMATION

PROPOSED ORDER FILED SEPARATELY

22 Plaintiff United States of America, by and through its counsel
23 of record, the United States Attorney for the Central District of
24 California and Assistant United States Attorneys Reema M. El-Amamy
25 and Jeremiah Levine, and defendants JOHN MICHAEL REED (3),
26 ASHLEE NICOLE SWINK (27), KEVIN DANIEL MULVIHILL (43), and MARIA
27 ANNA JAMES (65), ("defendants"), by and through their respective
28 counsels of record, (collectively the "parties"), for the reasons

1 set forth below, request that the Court enter the proposed
2 protective order (the "Protective Order") governing the use and
3 dissemination of 1) personal identifying information ("PII") of real
4 persons pursuant to Federal Rule of Criminal Procedure Rule
5 16(d)(1), (2) medical or health information, (3) material that may
6 contain information within the scope of the Privacy Act, and
7 (4) information related to confidential informants and/or
8 cooperating witnesses who may testify at trial.

9 Introduction and Grounds for Protective Order

10 1. Defendants are is charged in this matter with violations
11 of 18 U.S.C. § 1962(d): Racketeer Influenced and Corrupt
12 Organizations Conspiracy; 21 U.S.C. § 846: Conspiracy to Distribute
13 and to Possess with Intent to Distribute Controlled Substances; 18
14 U.S.C. § 1349: Conspiracy To Commit Bank Fraud; 18 U.S.C. § 1344:
15 Bank Fraud; 18 U.S.C. § 1028A: Aggravated Identity Theft; 21 U.S.C.
16 §§ 841(a)(1), (b)(1)(A), (b)(1)(B), (b)(1)(C), (b)(2): Possession
17 with Intent to Distribute and Distribution of Controlled Substances;
18 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm and
19 Ammunition; 18 U.S.C. § 924(c)(1)(A): Possess a Firearm in
20 Furtherance of a Drug Trafficking Crime; 18 U.S.C. § 1029(a)(3):
21 Possession of Fifteen or More Unauthorized Access Devices; 18 U.S.C.
22 § 2(a): Aiding and Abetting.

23 2. A protective order is necessary because the government
24 intends to produce to the defense materials regarding confidential
25 informants or cooperating witnesses who participated in the
26 government's investigation and who may testify at trial. Because
27 these materials could be used to identify the confidential
28 informants or cooperating witnesses, the government believes that

1 the unauthorized dissemination or distribution of the materials may
2 compromise the ability of such persons to participate effectively in
3 future investigations in an undercover capacity and/or may expose
4 him/her to potential safety risks.

5 3. A protective order is also necessary because the
6 government intends to produce to the defense materials containing
7 third parties' PII and medical information. The government believes
8 that disclosure of this information without limitation risks the
9 privacy and security of the information's legitimate owners. The
10 medical information at issue may also be subject to various federal
11 laws protecting the privacy of medical records, including provisions
12 of the Privacy Act, 5 U.S.C. § 552a; provisions of 45 C.F.R.
13 §§ 164.102-164.534; and/or provisions of 42 U.S.C. § 1306. Because
14 the government has an ongoing obligation to protect third parties'
15 PII and medical information, the government cannot produce to
16 defendant an unredacted set of discovery containing this information
17 without the Court entering the Protective Order. Moreover, PII and
18 medical information make up a significant part of the discovery in
19 this case and such information itself, in many instances, has
20 evidentiary value. If the government were to attempt to redact all
21 this information in strict compliance with Federal Rule of Criminal
22 Procedure 49.1, the Central District of California's Local Rules
23 regarding redaction, and the Privacy Policy of the United States
24 Judicial Conference, the defense would receive a set of discovery
25 that would be highly confusing and difficult to understand, and it
26 would be challenging for defense counsel to adequately evaluate the
27 case, provide advice to defendant, or prepare for trial.

1 4. An order is also necessary because the government intends
2 to produce to the defense materials that may contain information
3 within the scope of the Privacy Act, 5 U.S.C. § 552a ("Privacy Act
4 Information"). To the extent that these materials contain Privacy
5 Act Information, an order is necessary to authorize disclosure
6 pursuant to 5 U.S.C. § 552a(b)(11).

7 5. The purpose of the Protective Order is to (a) allow the
8 government to comply with its discovery obligations while protecting
9 this sensitive information from unauthorized dissemination, and
10 (b) provide the defense with sufficient information to adequately
11 represent defendant.

12 Definitions

13 6. The parties agree to the following definitions:

14 a. "CI Materials" includes any information relating to a
15 confidential informant's or cooperating witness's prior history of
16 cooperation with law enforcement, prior criminal history,
17 statements, or any other information that could be used to identify
18 a confidential informant or cooperating witness, such as a name,
19 image, address, date of birth, or unique personal identification
20 number, such as a Social Security number, driver's license number,
21 account number, or telephone number.

22 b. "PII Materials" includes any information that can be
23 used to identify a person, including a name, address, date of birth,
24 Social Security number, driver's license number, telephone number,
25 account number, email address, or personal identification number.

26 c. "Medical Materials" includes any individually
27 identifiable health information that is connected to a patient's
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1 name, address, or other identifying number, such as a Social
2 Security number or Medicare/Medi-Cal number.

3 d. "Confidential Information" refers to any document or
4 information containing: CI Materials, PII Materials, or Medical
5 Materials that the government produces to the defense pursuant to
6 this Protective Order and any copies thereof.

7 e. "Defense Team" includes (1) defendant's counsel of
8 record ("defense counsel"); (2) other attorneys who may be consulted
9 regarding the case (including counsel for other parties, and their
10 defense team members, who have been granted access to the
11 Confidential Information); (3) defense investigators who are
12 assisting defense counsel with this case; (4) retained experts or
13 potential experts; and (5) paralegals, legal assistants, and other
14 support staff to defense counsel who are providing assistance on
15 this case. The Defense Team does not include defendant, defendant's
16 family members, or any other associates of defendant.

17 Terms of the Protective Order

18 7. The parties jointly request the Court enter the Protective
19 Order, which will permit the government to produce Confidential
20 Information in a manner that preserves the privacy and security of
21 third parties. The parties agree that the following conditions in
22 the Protective Order will serve these interests:

23 a. The government is authorized to provide defense
24 counsel with Confidential Information marked with the following
25 legend: "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE
26 ORDER." The government may put that legend on the digital medium
27 (such as DVD or hard drive) or simply label a digital folder on the
28 digital medium to cover the content of that digital folder. The

1 government may also redact any PII contained in the production of
2 Confidential Information.

3 b. If defendant objects to a designation that material
4 contains Confidential Information, the parties shall meet and
5 confer. If the parties cannot reach an agreement regarding
6 defendant's objection, defendant may apply to the Court to have the
7 designation removed.

8 c. Defendant and the Defense Team agree to use the
9 Confidential Information solely to prepare for any pretrial motions,
10 plea negotiations, trial, and sentencing hearing in this case, as
11 well as any appellate and post-conviction proceedings related to
12 this case.

13 d. The Defense Team shall not permit anyone other than
14 the Defense Team to have possession of Confidential Information,
15 including defendant, while outside the presence of the Defense Team.

16 e. Defendants may see and review CI Materials only in
17 the presence of a member of the Defense Team, who shall ensure that
18 defendant is never left alone with any CI Materials. At the
19 conclusion of any meeting with defendant at which defendant is
20 permitted to view CI Materials, defendant must return any CI
21 Materials to the Defense Team, and the member of the Defense Team
22 present shall take all such materials with him or her. Defendant
23 may not take any CI Materials out of the room in which defendant is
24 meeting with the Defense Team.

25 f. Defendant may review PII Materials and Medical
26 Materials only in the presence of a member of the Defense Team, who
27 shall ensure that defendant is never left alone with any PII
28 Materials or Medical Materials. At the conclusion of any meeting

1 with defendant at which defendant is permitted to view PII Materials
2 or Medical Materials, defendant must return any PII Materials or
3 Medical Materials to the Defense Team, and the member of the Defense
4 Team present shall take all such materials with him or her.
5 Defendant may not take any PII Materials or Medical Materials out of
6 the room in which defendant is meeting with the Defense Team.

7 g. Defendant may see and review Confidential Information
8 as permitted by this Protective Order, but defendant may not copy,
9 keep, maintain, or otherwise possess any Confidential Information in
10 this case at any time. Defendant also may not write down or
11 memorialize any data or information contained in the Confidential
12 Information.

13 h. The Defense Team may review Confidential Information
14 with a witness or potential witness in this case, including
15 defendant. A member of the Defense Team must be present whenever
16 any CI Materials are being shown to a witness or potential witness.
17 A member of the Defense Team must be present if PII Materials or
18 Medical Materials are being shown to a witness or potential witness.
19 Before being shown any portion of Confidential Information, however,
20 any witness or potential witness must be informed of the
21 requirements of the Protective Order and a Defense Team member must
22 document such.

23 i. No member of the Defense Team shall permit a witness
24 or potential witness to retain Confidential Information or any notes
25 generated from Confidential Information.

26 j. The Defense Team shall maintain Confidential
27 Information safely and securely, and shall exercise reasonable care
28 in ensuring the confidentiality of those materials by (1) not

1 permitting anyone other than members of the Defense Team, defendant,
2 witnesses, and potential witnesses, as restricted above, to see
3 Confidential Information; (2) not divulging to anyone other than
4 members of the Defense Team, defendant, witnesses, and potential
5 witnesses, the contents of Confidential Information; and (3) not
6 permitting Confidential Information to be outside the Defense Team's
7 offices, homes, vehicles, or personal presence. CI Materials shall
8 not be left unattended in any vehicle.

9 k. To the extent that defendant, the Defense Team,
10 witnesses, or potential witnesses create notes that contain, in
11 whole or in part, Confidential Information, or to the extent that
12 copies are made for authorized use by members of the Defense Team,
13 such notes, copies, or reproductions become Confidential Information
14 subject to the Protective Order and must be handled in accordance
15 with the terms of the Protective Order.

16 l. The Defense Team shall use Confidential Information
17 only for the litigation of this matter and for no other purpose.
18 Litigation of this matter includes any appeal filed by defendant and
19 any motion filed by defendant pursuant to 28 U.S.C. § 2255. In the
20 event that a party needs to file Confidential Information with the
21 Court, the party seeking to file such information shall redact any
22 Confidential Information and make all reasonable attempts to limit
23 the divulging of Confidential Information.

24 m. The parties agree that any Confidential Information
25 inadvertently produced in the course of discovery prior to entry of
26 the Protective Order shall be subject to the terms of the Protective
27 Order. If Confidential Information was inadvertently produced prior
28 to entry of the Protective Order without being marked "CONFIDENTIAL

1 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," the government
2 shall reproduce the material with the correct designation and notify
3 defense counsel of the error. The Defense Team shall take immediate
4 steps to destroy the unmarked material, including any copies.

5 n. The parties agree that if any Confidential
6 Information contains both CI Materials and another category of
7 Confidential Information, the information shall be handled in
8 accordance with the CI Materials provisions of the Protective Order.

9 o. Confidential Information shall not be used by the
10 defendant or Defense Team, in any way, in any other matter, absent
11 an order by this Court. All materials designated subject to the
12 Protective Order maintained in the Defense Team's files shall remain
13 subject to the Protective Order unless and until such order is
14 modified by this Court. Within 30 days of the conclusion of
15 appellate and post-conviction proceedings, defense counsel shall
16 return CI Materials to the government or certify that such materials
17 have been destroyed. Within 30 days of the conclusion of appellate
18 and post-conviction proceedings, defense counsel shall return all
19 PII Materials or Medical Materials, certify that such materials have
20 been destroyed, or certify that such materials are being kept
21 pursuant to the California Business and Professions Code and the
22 California Rules of Professional Conduct.

23 p. In the event that there is a substitution of counsel
24 prior to when such documents must be returned, new defense counsel
25 must be informed of, and agree in writing to be bound by, the
26 requirements of the Protective Order before the undersigned defense
27 counsel transfers any Confidential Information to the new defense
28 counsel. New defense counsel's written agreement to be bound by the

1 terms of the Protective Order must be returned to the Assistant U.S.
2 Attorney assigned to the case. New defense counsel then will become
3 the Defense Team's custodian of materials designated subject to the
4 Protective Order and shall then become responsible, upon the
5 conclusion of appellate and post-conviction proceedings, for
6 (1) returning to the government, certifying the destruction of, or
7 retaining pursuant to the California Business and Professions Code
8 and the California Rules of Professional Conduct all PII Materials
9 or Medical Materials; and (2) returning to the government or
10 certifying the destruction of all CI Materials.

11 q. Defense counsel agrees to advise defendant and all
12 members of the Defense Team of their obligations under the
13 Protective Order and ensure their agreement to follow the Protective
14 Order, prior to providing defendant and members of the Defense Team
15 with access to any materials subject to the Protective Order.

16 r. Defense Counsel has conferred with defendant
17 regarding this stipulation and the proposed order thereon, and
18 defendant agrees to the terms of the proposed order.

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s. Accordingly, the parties have agreed to request that the Court enter a protective order in the form submitted herewith.

IT IS SO STIPULATED.

DATED: January 3, 2025

E. MARTIN ESTRADA
United States Attorney

DAVID T. RYAN
Assistant United States Attorney
Chief, National Security Division

/s/ Reema M. El-Amamy
REEMA M. EL-AMAMY
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATED: 12/30/24

/s/
JAMES R TEDFORD, II
Attorney for Defendant
JOHN MICHAEL REED

DATED: 12/30/24

/s/
MARK STEVEN SEDLANDER
Attorney for Defendant
ASHLEE NICOLE SWINK

DATED: 12/30/24

/s/
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KEVIN DANIEL MULVIHILL

DATED: 12/30/24

/s/
SCOTT D. TENLEY
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MARIA ANNA JAMES